



I hereby certify that this paper (along with any paper referred to as being attached enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 20, 2006

Signature:

(Michael H. Teschner)

Docket No.: LOREAL 3.0-045  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Sylvie Genard

Application No.: 10/764,158

Group Art Unit: 1654

Filed: January 23, 2004

Examiner: S. S. Shirali

For METHOD FOR SYNTHESIZING KPV  
TRIPEPTIDE DIAMIDE DERIVATES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed April 4, 2006, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-19, 27, 28, and 32-38, drawn to a method of making a KPV tripeptide diamine, classified in class 530, subclass 333.

II. Claims 20-25, and 39-44, drawn to a compound comprising KPV tripeptide diamine, classified in class 530, subclass 333.

III. Claims 29-31, drawn to treating dry skin using

KPV tripeptide diamine, classified in class 514/18.

IV. Claim 45, drawn to a method of making a composition classified in class 514/18.

In response, Applicant hereby elects the invention of Group I, corresponding to claims 1-19, 27, 28, and 32-38. This election is made with traverse. Applicant reserves the right to file a divisional application corresponding to the non-elected claims.

Applicant respectfully requests modification of the restriction to combine Groups I and II. Specifically, the examiner has not established that performing a search for the claims of Group I and the claims of Group II will result in an undue burden. Indeed, the examiner has stated that Groups I and II are both "classified in class 530, subclass 333." (Official Action, page 2). Since the class and subclass are identical for each Group, a search for one Group would necessarily require a search for the other Group. Thus, it is respectfully submitted that there will not be an undue burden on searching for the examiner. As such, Groups I and II should be combined.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: June 20, 2006

Respectfully submitted,

By 

Michael H. Teschner

Registration No.: 32,862

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant